

#9

06 JUL 2005



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Stephen B Maebius
FOLEY AND LARDNER
3000 K Street, N.W.
Suite 500
Washington DC 20007-5109

In re Application of : DECISION ON REQUEST
Jean-Christophe LEROUX et al :
Application No.: 10/507,281 :
PCT No.: PCT/FR03/00797 :
Int. Filing Date: 12 March 2003 : TO WITHDRAWAL AS
Priority Date: 12 March 2002 :
Attorney's Docket No.: 37991-0033 :
For: COMPOSITION HAVING GELLING PROPERTIES :
FOR THE PROLONGED DELIVERY OR BIOACTIVE : ATTORNEY OF RECORD
SUBSTANCES :

This is in response to the "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT"
filed 06 January 2005. No fee is required.

DISCUSSION

The criteria for effecting a proper withdrawal of attorney is spelled out in Section 402.06
of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

"In the event that a notice of withdrawal is filed by an attorney or agent of record...
appropriate procedure will be followed pertaining to the withdrawal. The **withdrawal is
effective when approved** rather than when received.

To expedite the handling of requests for permission to withdraw as attorney, under 37
CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms,
each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must
contain a clear indication of one attorney signing on behalf of another.

The Commissioner of Patents and Trademarks usually requires that there be at least 30
days between approval of withdrawal and the later of the expiration date of a time response
period or the expiration date of the period which can be obtained by a petition and fee for
extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time
to obtain other representation or take other action. If a period has been set for response and the
period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a
petition for extension of time and fee, the practitioner will not be required to seek such extension
of time for withdrawal to be approved. In such a situation, however, withdrawal will not be

approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed."

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with and since there are no outstanding responses due, the request to withdraw as attorney of record is **GRANTED** and is effective as of the mail date of this communication.

Accordingly, all future correspondence will be mailed to FOLEY AND LARDNER.

DECISION

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 373-1810